

march 11, 2010

RESEARCH REVIEW



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03	AGRICULTURE
04	CHILDREN & FAMILY AFFAIRS
05	COMMERCE
07	CONSERVATION & ENVIRONMENT
08	CONSUMER & EMPLOYEE AFFAIRS
10	EDUCATION
12	FINANCE, WAYS & MEANS
16	GOVERNMENT OPERATIONS
18	HEALTH & HUMAN RESOURCES
20	JUDICIARY
25	STATE & LOCAL GOVERNMENT
30	TRANSPORTATION

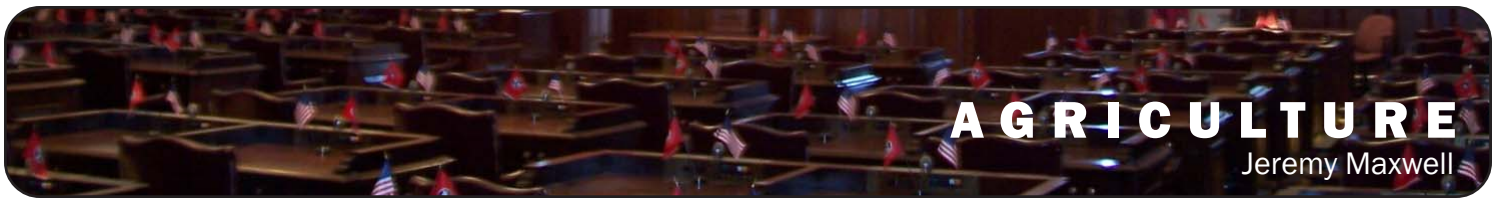


Members honored the renowned Little Jimmy Dickens on Monday with House Joint Resolution 244. The veteran entertainer, a member of the Grand Ole Opry for over sixty years, was inducted into the Country Music Hall of Fame in 1983.



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THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider seven bills on calendar.

The following bills were *referred to Calendar and Rules as amended*:
HB 3491 (McDaniel) expands the scope of practice for veterinarians and establishes licensing exemptions for consulting veterinarians who are licensed in another state and do not practice within the state. The bill codifies the current definition of “veterinarian-client patient relationship” as established by the Board of Veterinary Medical Examiners. Violations are punishable as a Class B misdemeanor. The amended bill also includes person’s employees, personnel employed by the USDA or the Tennessee Department of Agriculture and extension personnel or vocational agriculture teachers from licensing exemptions.

HB 3799 (Bone) adds the definition of “alternative livestock” to the Tennessee Livestock Dealer Act. It redefines “livestock dealer” as any person who buys, receives, or assembles livestock for resale on more than nine occasions in a three month period. Also requires the Commissioner to conduct a hearing to determine if a violator’s license will be suspended or revoked. Expands prohibited acts to include failure to make payment and failure to keep current bond requirements. The bill exempts livestock producers who buy or sell livestock in connection with personal farming operations from licensure. It requires livestock market operators to obtain licensure as a livestock dealer and also requires livestock dealers to maintain records that will allow the tracing of any livestock that may have come into



contact with a diseased animal.
Repeals the requirement for a livestock market charter and eliminates the requirement of a livestock charter board. The bill changes punishment for violations from a Class C to a Class A misdemeanor.

The following bills were *deferred one week*:

HB 3858 (Towns) requires plants and seeds sold in Tennessee to be labeled to indicate open pollination, genetic modification, or hybridization.

HB 3748 (Sontany) prohibits smoking within 50 feet of any entrance to any building that provides library services to children.

HB 3738 (Niceley) prohibits sale of seeds that have been genetically modified to render plant produced or second generation seeds sterile; enacts the Anti-Terminator Gene Act of 2010.

HB 3136 (Bone) requires country of origin labeling of catfish and catfish products.

The following bill was *taken off notice*:
HB 3760 (West) enacts “Honey’s Law” to revise punishment for animal abuse.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee did not meet this week.

CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday March 9th and considered the following legislation:

Passed to Calendar & Rules:

HB 3021 by Rep. S. Jones deletes a required representative from the District Attorneys General Conference from the independent local advisory board for each county that operates a DCS multi-level response system.



Representative Jones

Passed to Finance, Ways & Means:

HB 3020 by Rep. S. Jones as amended removes provisions that require a county to pay the state for the actual daily cost to the state for the length of stay of a child in state custody after such county exceeds 300 percent of the state average commitment rate for dependent and neglected children or delinquent children.

HB 3753 by Rep. S. Jones urges public transportation buses to promote the existence of the Prevent Child Abuse Tennessee hotline. This bill will require the Department of Education to require local education agencies to distribute information on the hotline. This legislation will also require the Department of Human Services to require child care facilities to distribute information on the hotline.

Deferred one week:

HB 2372 by Rep. Montgomery states that no adoptive parent shall be required to pay child support to DCS if the adopted child is in DCS custody being found delinquent or unruly.

HB 5 by Rep. Hardaway requires the court to set a presumptive date for terminating the child support obligation except when medical support or other fees may be due to support a disabled child or to comply with a court order requiring support for a child through college.

HB 33 by Hardaway as amended requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights.

FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday March 9th and considered the following legislation:

Passed to Full Committee:

HB 3720 by Rep. Maddox creates a task force to study the Carroll Academy intensive day treatment program for at-risk youth located in Huntington, Tennessee.



Representative Litz

HB 3420 by Rep. Litz as amended requires an official from the appropriate facility or the Department of Children's Services to notify local law enforcement of an escape from a secure detention center or correctional facility by a juvenile who is alleged to be adjudicated delinquent for an offense that would be a felony if committed by an adult.

HB 2443 by Rep. Hardaway requires a school or daycare official to verify the identity of a person seeking custody of a child before permitting the requested change in the child's custody arrangement at the school or daycare.

Taken off notice:

HB 1803 by Rep. West
HB 2674 by Rep. Todd

Deferred two weeks:

HB 2916 by Rep. Bell requires the court to order equal parenting time to

both parents unless there are findings that one or both parents are unfit to care for the child. The court may grant less than equal time if a parent does not seek equal parenting time.

DOMESTIC RELATIONS SUBCOMMITTEE

The Domestic Relations

Subcommittee was canceled this week; all bills were deferred one week.

HB 20 by Rep. Hardaway

HB 1131 by Rep. Hardaway

HB 1132 by Rep. Hardaway

HB 2627 by Chairman DeBerry

HB 2628 by Chairman DeBerry

HB 2995 by Chairman DeBerry

HB 2630 by Chairman DeBerry

HB 3081 by Rep. Fraley

HB 2700 by Rep. Dennis

HB 3426 by Rep. Hackworth

HB 3427 by Rep. Hackworth



THE FULL COMMITTEE

The **Commerce Committee** passed out two bills on Tuesday during its full committee meeting.

HB 3844 (Miller L) requires automatic revocation of a security guard's license if the individual is convicted of certain offenses. The individual can request a hearing and the Commissioner may impose other disciplinary actions.

[passed to Finance, Ways & Means]

HB 3823 (Pruitt) is a piece of housekeeping legislation from the Administration regarding the Tennessee Securities Act. It updates the changes in names of different regulatory organizations and corrects several statutory cites and cross references. The bill also allows for the filing of information through the Interactive Data Electronic Applications (IDEA) system or depository systems developed by private entities. It clarifies that the Department has one year to institute disciplinary actions against a licensee. An amendment was adopted to correct two drafting errors.

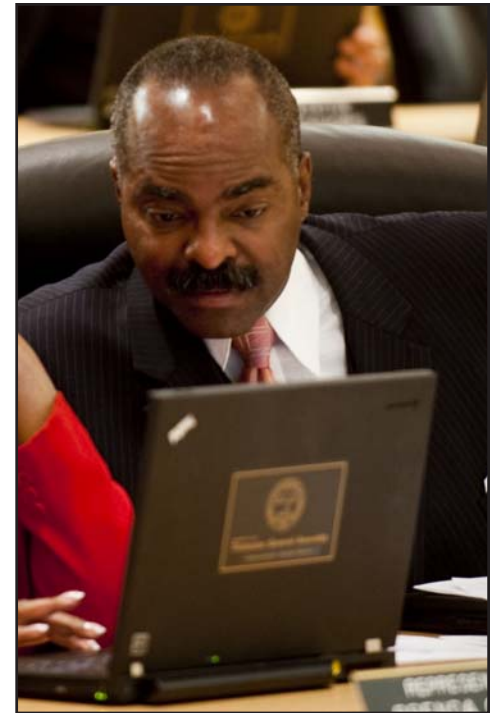
[passed to Calendar & Rules]

HJR 748 (Hardaway) creates special joint committee to study providing free telephones to certain at-risk citizens. An amendment was adopted to specify that the study committee would meet only on days in which the General Assembly is in session or when a standing committee is scheduled to meet during the legislative session. Some members questioned the need for a study committee, and there was some discussion on whether it would be more appropriate for the Utilities & Banking subcommittee to study this matter.

[rolled for one week]

HB 3773 (McManus) as amended, would allow a local exchange provider under market regulation to file a tariff with the Tennessee Regulatory Authority. The committee posed questions to representatives of AT&T, TRA, and the local telephone exchanges. Some members expressed concerns over whether customers would receive proper notice of rate changes and over whether the legislation could have a negative effect on the laws on market regulation enacted last year. Rep. McManus asked for the bill to be rolled in order to further explore these concerns as the committee ran out of time.

[rolled for one week]



Representative Hardaway

HB 3046 (Fitzhugh) was rolled for two weeks.

UTILITIES & BANKING SUBCOMMITTEE

The **Utilities & Banking Subcommittee** met on Tuesday and moved one bill to the full committee.



Representative Stewart

HB 3824 (Stewart) makes various updates to the Tennessee Securities Act. It adds the new definition for “investment-related” to comply with the recent changes in federal law. The bill deletes the statutory exemption of promissory notes and bankers’ and trade acceptances that are now preempted by federal law. It also authorizes the Commissioner to assess civil penalties up to \$5,000 per violation under the securities law.
[moved to full committee]

HB 2727 (Campfield) was rolled for one week.

HB 3706 (Towns) was rolled to 2011.

HB 3707 (Towns) was rolled to 2011.

HB 3395 (Rich) was taken off notice.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday to consider five bills.

The following bills were rolled for one week:

HB 2494 (Hardaway)

HB 24 (Hardaway)

HB 41 (Hardaway)

HB 3571 (Rowland) was rolled to the last calendar.

HB 3632 (Todd) was taken off notice.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday and moved five bills to the full committee.

HB 2984 (Mumpower) would add licensed martial and family therapists to the list of mental health professionals that are eligible for reimbursement if the service is covered under an insurance policy. An amendment was adopted that would also add licensed professional counselors to the list.
[moved to full committee]

HB 3002 (McDaniel) changes the increase in the limit on health insurance benefits that the Tennessee life and health insurance guaranty association may be obligated to cover from \$100,000 to \$300,000, for policies or contracts issued by a member insurer



Representative McDaniel

that becomes insolvent on or after January 1, 2011. Under the amendment, the limits for health insurance benefits will be \$100,000 for coverage that is not defined, \$300,000 for disability insurance and long term care insurance, and \$500,000 for basic hospital, medical and surgical insurance or major medical insurance.
[moved to full committee]

HB 3654 (Stewart) enacts the “Green Jobs Act.” The bill requires the Department of Labor & Workforce Development to develop a state plan to initiate green jobs programs. The plan would focus on grants for green jobs training programs and job creation in renewable energy and energy-efficiency industries. The bill also creates a green jobs fund consisting of federal dollars to support in the program.
[moved to full committee]

HB 3641 (Todd) removes the requirement that local law enforcement must sign permits for public fireworks displays. An amendment was adopted that requires the fireworks company to send written notice to the city police chief and/or the county sheriff giving the date, time, and location of the public display.
[moved to full committee]

HB 1242 (Curtiss) as amended requires an individual to obtain a masonry contractor license if the individual does masonry construction that exceeds \$100,000 in materials and labor.
[moved to full committee]

HB 3801 (Armstrong) as amended, extends the sunset provisions for five years for the AccessTN, CoverTN, and Cover Kids programs. Those programs are currently scheduled for sunset on June 30, 2010.
[rolled for one week]

HB 148 (Sargent) as amended, would make certain filings by insurers confidential and protected if the

Commissioner determines that such information is a trade secret. The burden would be on the insurer to assert to the Commissioner that the information they are filing is a trade secret.
[rolled for one week]

HB 1415 (Sargent) as amended, would allow the Commissioner to waive the 3-year requirement for out-of-state insurers before they can do business in Tennessee. Currently, an out-of-state insurer must be organized and actively engaged in the insurance business in the state of its incorporation for a period of three years prior to the date of its application to be admitted and authorized to do business in Tennessee.
[rolled for one week]

HB 2794 (Curtiss) would add masonry contractor work to the list of information required to be on the outside of the envelope containing a bid. An amendment was added to limit the requirement to masonry work that exceeds \$100,000 in labor and materials.
[rolled for one week]

The following bills were rolled to the last calendar:

HB 2534 (West)

HB 1562 (West)

HB 3759 (West)

The following bills were rolled for two weeks:

HB 2686 (Hill)

HB 843 (Johnson C)

HB 3921 (Shepard)

HB 3167 (Curtiss)

HB 3717 (Carr) was *rolled for one week*.

HB 128 (Hardaway) failed for lack of a motion.

CONSERVATION & ENVIRONMENT

Jeremy Maxwell

THE FULL COMMITTEE

The Conservation and Environment Committee met Tuesday to consider three bills on calendar.

The following bills were *referred to Calendar and Rules*:

HB 2991 (McManus) eliminates the word "TAX" from the required statement for federally mandated charges related to storm water management and replaces it with the word "FEE."

SJR 705 (McDaniel) expresses support for the work of Every Child Outdoors – Tennessee and the Tennessee Children's Outdoor Bill of Rights.

The following bill was *deferred to last calendar*:

HB 2411 (Watson), subject to local approval, revises procedure for determining the tax on the privilege of participating in an amusement, to be determined annually by the county

legislative body in accordance with established criteria, rather than imposing a set fee.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Tuesday to consider two bills on calendar. **HB 725 (Hensley)** was *referred to the full committee as amended*. It rewrites the bill and states no person shall hunt on or over any baited area where such person knows or reasonably should have known that the area is or has been baited.

The following bill *failed for lack of votes*:

HB 2839 (Floyd) increases the penalty for the offense of boating under the influence of an intoxicant to approximate DUI penalties.

PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to hear a presentation from Susan Whitaker, Commissioner of



Representative Hensley

Department of Tourist Development. The Tennessee Department of Tourist Development is one of the leaders among state organizations in the United States tourism industry. In 2007,

Tennessee's tourism generated a \$14.2 billion economic impact to the state's economy, another \$1 billion increase for the second consecutive year. More than 184,700 Tennesseans are now employed in the state's tourism industry. Payroll generated by direct travel spending grew 6.6% to \$5.4 billion in 2007. Tennessee's overnight and day-trip visitors provided \$1.1 billion in state

and local sales tax revenues which accounts for another billion in tax revenues for the second consecutive year.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee did not meet this week.

CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

THE FULL COMMITTEE

The full committee met on Wednesday, March 10, 2010, to hear two bills on calendar.

Passed to Calendar & Rules:

HB 2118 by Dennis (SB 2178) is re-written by an amendment that states any health club that receives payments 90 days in advance from a buyer, or makes direct withdrawals from a buyer's bank account or provides a buyer the option to finance fees through a third party is required to post a \$25,000 bond with the department of Commerce and Insurance. It also changes the effective date from July 1, 2011 to July 1, 2010.

Rolled one week:

HB 2685 by Hill (SB 2753 by Johnson) allows employers to require that English be spoken in the workplace if necessary to conduct the employer's business. As amended, the bill defines "a business or safe workplace necessity"; and makes a distinction between work and a meal period, rest period or other break not considered work time; additionally, it changes "...it shall not be an unlawful employment practice..." to "it shall be an allowable employment practice...".

The committee members heard continuing testimony on workers' compensation.

NOTE: Chairman Matheny announced all workers' compensation bills would be put on notice in Employee Affairs Subcommittee beginning next week, March 17, 2010.

Both subcommittees are scheduled to close in two weeks, by March 24, 2010.

CONSUMER AFFAIRS SUBCOMMITTEE

The subcommittee met on Tuesday, March 9, 2010 and had one bill on calendar.

Passed to Full Committee as Amended:

HB 3523 by Harwell (SB 3407 Burchett), as amended, establishes violations of the Consumer Protection Act concerning "covered file-sharing programs".

A "covered file-sharing program" means a computer program, application, or software that enables the user to designate files as available for searching by and copying and transmitting to other computers, and to request the transmission of such designated. "Covered file-sharing program" does not mean a program designed to operate as a server, accessible over the Internet, using the Internet domain name system.



Representative Harwell

It will be a violation of the Act for any person other than the user (1) to install, reinstall, or update a covered file-sharing program on a computer without notifying the user that the files on that computer will be made available to the public; or (2) to prevent reasonable efforts to disable or remove a covered file-sharing program on a computer.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee, which met on Wednesday, March 10, 2010, had three bills on calendar.

Passed to the Full Committee as Amended:

HB 3421 by Litz (SB 3518 by Overbey) requires direct deposit of unemployment insurance benefits to a claimant's bank account if the claimant submits a written request in addition to a voided check. The bill also requires the Department of Labor and Workforce Development to reissue a check within five months of the original check if the claimant files a written report that the check was not received and the claimant was not negligent. As amended, the bill prohibits the inclusion of a claimant's social security number except for the last four digits on a check or other documents when benefits are paid by check. The effective date was changed to one year after becoming law.



Representative McCormick

for claimants who have received temporary total workers' compensation benefits. It excludes periods of temporary total disability under the workers' compensation law from calculation of the base period and requires that the base period be determined from the last four completed quarters of work before any such disability.

HB 3299 by McCormick (SB 2977 by Berke) authorizes association captive insurance companies to insure obligations under federal legislation that provides compensation and benefits to workers for job-related injuries. It also authorizes association captive insurance companies to hold any interest in qualified headquarters property.

Rolled One Week:

HB 3889 by Harrison (SB 2409 by Faulk) defines "base period" with respect to unemployment compensation

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Chairman Brooks

THE FULL COMMITTEE

The **House Education Committee** met on Wednesday March 10th to hear its calendar. Previously scheduled hearings were postponed. Next week, the committee will hear a budget presentation from the Department of Education.

Passed to Calendar & Rules:

HB 3737 (Coley) – This bill requires that the Department of Education’s annual survey of voluntary pre-K be distributed via the internet to the public.

HB 3148 (Winningham) – This bill requires LEAs to document student transfers with the best information available. This bill also requires GED recipients to be counted as high school graduates for all purposes except federal.

HB 3415 (Brown) – This bill requires annual surveys of LEA extended

learning opportunities made by the Department of Education to be made available to the LEAs so that successful programs can be replicated.

HB 3517 (J. DeBerry) – This bill encourages LEAs to study the STEP program as enacted in Memphis City Schools and to consider creating their own STEP programs.

HR 59 (Lollar) – This resolution declares the support of the House of Representatives for the State Board of Education’s efforts to get every Tennessee high school graduate to complete at least one college admissions application.

HB 2936 (Lollar) – This bill includes Tennessee Technology Centers in the law requiring that students who are called to active military duty while enrolled for a class be offered refunds or tuition credits.

HB 2772 (Montgomery) – This bill changes the date to May 15 that teachers must be notified that their contract will not be renewed from the previous year. The current law had required April 15 to be the date of notice.

HB 3107 (McCormick) – As amended, this bill requires prior approval for teachers to take leave on days of professional development training or in-service days or on days of parent-teacher conferences, if such days are scheduled prior to the start of the school year. This amendment also takes out an obsolete section requiring the approval of the school board for a teacher to be granted leave, and instead requires the approval of the director of schools or his designee.

HB 2810 (McDonald) – This bill, as amended, requires the Office of Research and Education Accountability within the Office of the Comptroller to research how other states use measures of parental involvement and student test scores in evaluating teacher performance, and to report back to the General Assembly with a oral presentation to each house’s Education Committee.

HB 3105 (Harwell) – This bill, as amended, adds language to the code forbidding schools from separating multiple birth siblings into separate classrooms solely because they are of the same multiple birth grouping.

HB 3168 (Curtiss) – This bill allows LEAs to issue high school diplomas to Viet Nam veterans who were not able to complete high school due to service in the war.

Passed to Finance, Ways & Means:

HB 2474 (Winningham) – This bill requires the State Board of Education, the Tennessee Higher Education Commission, the Tennessee Board of Regents, and the University of Tennessee Board of Trustees to stream live video of their board meetings on the internet and to archive past meetings on their respective web sites. An amendment was added clarifying that all board meetings including work sessions and committees are to be videostreamed as well.

HB 3413 (Brown) – This bill includes enrollees in graduate education programs in the minority teachers fellowship program. It also removes the cap on the number of awards available annually.

Rolled 1 week:

HB 376 (Coley)



HB 2957 (Maggart) – This bill requires that TCAP scores be at least 15% of a student’s final grade in a course on the subject matter the TCAP test is measuring.

Rolled 1 week:

HB 3109 (S. Jones)
 HB 3336 (Carr)
 HB 3546 (Maddox)
 HB 3450 (McDonald)
 HB 3200 (Winningham)
 HB 2996 (J. DeBerry)
 HB 2379 (Hawk)
 HB 2441 (Hardaway)
 HB 3011 (Harwell)
 HB 3545 (Maddox)
 HB 3710 (Towns)
 HB 3544 (Maddox)
 HB 3868 (U. Jones)
 HB 3869 (U. Jones)
 HB 3871 (U. Jones)
 HB 3872 (U. Jones)
 HB 3873 (U. Jones)
 HB 564 (H. Brooks)
 HB 15 (Ferguson)
 HB 299 (Hardaway)
 HB 2493 (Hardaway)
 HB 2975 (Fitzhugh)

Rolled 2 weeks:

HB 3193 (Shaw)

Rolled to the last calendar:

HB 3866 (Shaw)
 HB 874 (Bell)

Taken off notice:

HB 2513 (Pitts)
 HB 2958 (Maggart)
 HB 2886 (Mumpower)

Bills failed:

HB 2820 (T. Cobb)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** met on Wednesday, March 10th. Chairman David Hawk expressed that the subcommittee would hear its last calendar in 2 weeks on March 24th.

HB 3590 (Lollar)
 HB 549 (Hardaway)
 HJR 781 (Hardaway)
 HB 379 (Sargent)
 HB 3711 (Towns)

Taken off notice:

HB 3530 (Maddox)
 HB 3332 (H. Brooks)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** also met on Wednesday to hear and discuss bills.

Passed to the full committee:

HB 3411 (Brown) – This bill urges LEAs to consider working parents when scheduling parent teacher meetings.

HB 3028 (H. Brooks) – This bill requires any applicant for a school sports position, including volunteer positions, to undergo a background check.

HB 3874 (U. Jones) – This bill authorizes prosecutors to require parents of chronically absent students to participate in parental education classes instead of being charged with a crime. Failure of the parent to respond to the

prosecutor’s offer will result in automatic rescinding of the offer.

HB 3494 (K. Brooks) – This bill renames the “Coordinated School Health Improvement Act of 2000” the “Connie Hall Givens Coordinated School Health Improvement Act.”

HB 3250 (Ramsey) – This bill, as amended, requires that schools place their first AED in the gymnasium or physical education area. Further placed AEDs shall be placed in areas accessible during an emergency.

HB 3100 (Mumpower) – Currently, LEAs are authorized to adjust their school schedules for half an hour to make up for inclement weather. This bill authorizes them to adjust their schedules to make up for the time in increments less than thirty minutes. Such additional classroom time shall be proportionally added to the codified requirements for classroom time.

HB 3762 (West) – This bill codifies the requirement that all students be taught American civics as a course of their education.

Rolled 1 week:
HB 2897 (Armstrong)
HB 3074 (Hill)
HB 3242 (McCord)

Taken off notice:
HB 2721 (Campfield)
HB 43 (Hardaway)
HB 58 (Hardaway)

Rolled to the last calendar:
HB 3479 (Matlock)



Department of Transportation to erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 2755 (Bass) – This highway/bridge sign bill designates the bridge spanning Bear Creek on State Route 373 (Mooresville Highway) in Marshall County, as the “*Brenard Richardson Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to TDOT by Marshall County within one year of the effective date of the bill. The Board of Marshall County Commissioners petitioned this body to name this bridge in honor of the Richardson family.

THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, March 9, 2010 to consider fourteen bills on the full committee’s calendar. The following is a list of the final actions taken on the legislation this week:

Deferred 1 week:
HB 969 (McCord)
HB 2510 (McCormick)

Recommended for passage and thus referred to Calendar and Rules:

HB 2435 (Casada) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member that was killed in action. The legislation

designates the bridge over the Harpeth River on State Route 6 in Williamson County as the “*Warrant Officer Judson E. Mount Memorial Bridge*” and directs the Department of Transportation to erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 2480 (Casada) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member that was killed in action. The legislation designates the bridge spanning the Harpeth River at mile marker 2.0 on State Route 397 (Mack Hatcher Bypass) in Williamson County as the “*SSG Carey Thomas Moore Memorial Bridge*” and directs the

HB 2756 (Bass) – This highway/bridge sign bill designates the bridge spanning the Duck River on State Route 272 in Marshall County as the “*Alex Allen Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to TDOT by Marshall County within one year of the effective date of the bill. The Board of Marshall County Commissioners petitioned this body to name this bridge in memory of Mr. Allen.

HB 2866 (Haynes) – This bill authorizes the mayor and aldermen of Farragut to establish term limits for

themselves through the adoption of an ordinance by a two-thirds vote at two separate meetings. The ordinance must be approved by the voters in an election administered by the Knox County Election Commission.

HB 2868 (Haynes) – This bill, as amended by the House Finance Committee to correct a typographical error, names the campus at the Senator Ben Atchley State Veterans Home in Knox County as the “*Gerald D. Clark Campus*” and directs the Department of Finance and Administration (F&A) to erect suitable signs. Designating signs shall be erected only if non-state funds are paid to F&A for the manufacture and installation of such signs within one year from the effective date of this bill. Hailing from the Del Rio community in Cocke County, Mr. Clark is the Chaplain for the American Legion Post #2 in Knoxville and served as Commander of the United Veterans of East Tennessee.

HB 2990 (Bass) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member that was killed in action. The legislation designates the bridge spanning the west fork of Shoal Creek on State Route 11 at mile marker 6.89 in Giles County, as the “*PFC John H. McCree Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 3044 (Cooper) – This bill authorizes any municipality with a central business improvement district to provide assistance to industrial development corporations by pledging, granting or contributing revenues generated from any source, except those generated from ad valorem property taxes, for projects including public infrastructure, improvements of facilities or one or more parking or sports facilities located within an area designated by municipal resolution or ordinance as the center city area. This

includes, but is not limited to, any alleys, auditoriums, bridges, culverts, curbs, drainage systems (including storm water sewers and drains), garages, parks, parking facilities, parkways, playgrounds, plazas, public art, roads, sewers, sidewalks, stadiums, streets, street equipment, tunnels, and viaducts.

HB 3088 (Fitzhugh) – This legislation is the TCRS Omnibus bill. It makes various changes to the Tennessee Consolidated Retirement System (TCRS) relative to provisions governing service in the system and other various housekeeping measures. The bill also makes various changes to the state’s Deferred Compensation program and the Other Post Employment Benefits program. As amended by the Council on Pensions & Insurance, the bill also allows local governmental bodies to choose a minimum benefit calculation based on \$8, \$14, or \$20 per month for each year of service, indexed by the annual COLA awarded to retirees.

HB 3608 (Fitzhugh) – This is a bill from the Comptroller’s Office increasing the appeal and exemption fees charged by the State Board of Equalization. The nonrefundable exemption processing fee will be increased from \$100 to \$120. The nonrefundable appeal processing fee would be raised from \$5 to \$7. The maximum refundable appeal hearing fee will be increased from \$100 to \$120, and would be refunded if the appeal is determined to be successful. The \$1 limit on electronic appeals will be abolished. These fees have not been raised since 2004.

HJR 746 (Marsh) – This legislation urges 911 call centers in Tennessee to accept text messages from citizens in urgent and emergency situations.

HJR 769 (Favors) – This highway sign legislation designates the segment of Interstate 24 from mile marker 179 to mile marker 180 in the City of Chattanooga, Hamilton County, as “*The Impressions Highway*” and directs the

Department of Transportation to manufacture and erect suitable signs. Designating signs shall be erected only if the City of Chattanooga in Hamilton County either remits the estimated cost of such signs to TDOT within one year of the effective date of this resolution or manufactures and erects such signs pursuant to state and federal guidelines as approved by the Department. According to the resolution, the honorees are an award-winning R&B musical group that has featured four Chattanooga natives as members at one time or another.

Budget Hearings:

Departmental budget hearings continued this week. We began on Monday with presentations given on behalf of the Tennessee State Museum, the Arts Commission, the Health Services & Development Agency, and the Department of Tourist Development. On Tuesday, the committee reviewed the budgets of the Department of Veterans Affairs, TRICOR, and the quasi-governmental Tennessee Education Lottery Corporation. Wednesday concluded the week’s budget hearings with presentations given by the District Public Defenders Conference and the state’s higher education system, by way of Dr. Rich Rhoda representing THEC (the Tennessee Higher Education Commission) and TSAC (the Tennessee Student Assistance Corporation), Chancellor Manning representing the Board of Regents, and Dr. Jan Simek, as the Acting President of the University of Tennessee system.

We look forward to hearing from the following departments in the upcoming budget hearings scheduled for next week:

Tuesday, March 16th:

- Financial Institutions – *Mr. Greg Gonzales, Commissioner*
- Labor & Workforce Development – *Mr. Jim Neeley, Commissioner*

- Military – *Mr. Terry M. “Max” Haston, Adjutant General*

Wednesday, March 17th:

- Transportation – *Mr. Gerald F. Nicely, Commissioner*
- Finance & Administration – *Mr. Dave Goetz, Commissioner*

Thursday, March 18th:

- Bureau of TennCare – *Mr. Darin J. Gordon, Deputy Commissioner*

BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, March 10, 2010 with twenty-six bills on its calendar. Subcommittee action on these bills is as follows:

Deferred for One Week:

HB 2851 (Bone)
HB 3388 (Bone)
HB 3094 (Fitzhugh)

Deferred for Two Weeks:

HB 3170 (Curtiss)

Last Calendar:

HB 3473 (Bone)
HB 2625 (Dunn)

Behind the Budget:

HB 1911 (Johnson)
HJR 817 (Shaw)

Off Notice:

HB 3110 (Dunn)
HB 3223 (Hawk)

Referred to Full Committee:

HB 3190 (Barker) – This bill authorizes municipalities and counties to sell property purchased at a delinquent tax sale when both municipal and county taxes are delinquent. Revenue from the tax sale is apportioned to the municipality and county pro rata based on the amount of the delinquent taxes. This bill authorizes municipalities to sell



the property for less than the amount of taxes, penalty, cost, and interest owed if it is impractical to sell the property for the full amount. Under current law, counties already have this authorization; this bill adds municipalities.

HB 2950 (H. Brooks) – As rewritten in the Budget Subcommittee, this bill exempts from the recordation tax any transfer of realty between adjacent properties where the actual consideration for the transfer is less than \$1,000. It also changes the written oath required for real property transfers executed by quitclaim deed, from one requiring a statement of the actual consideration or the value of the property transferred, to an oath requiring a statement of the actual consideration exclusively. Budget Sub. also changed the bill by giving the county register of deeds the authority to request documentation in determining such consideration or value.

HB 2931 (T. Cobb) – This highway/bridge sign bill designates a certain bridge located on State Route 245 (Campbellsville Pike) in Maury County as the “*Southport Community Bridge*” and directs the Department of Transportation to manufacture and

erect suitable signs. As amended in Budget Sub., designating signs shall be erected only if the cost of the signs is paid to TDOT by Maury County within one year of the effective date of the bill.

HB 2511 (Curtiss) – This highway sign bill designates the segment of State Route 287 (Jacksboro Road) in Warren County as the “*Arthur Lorange Road*” and directs the Department of Transportation to erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to TDOT by Warren County within one year of the effective date of the bill.

HB 2512 (Curtiss) – This highway sign bill designates the bridge spanning Mountain Creek on State Route 56 in Warren County as the “*Charles Ulysses Boren Memorial Bridge*” and directs TDOT to erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to the State’s department of transportation by Warren County within one year of the effective date of the bill.

HB 3789 (Curtiss) – This legislation eliminates the current structure of the Department of Labor and Workforce



Development's Board of Review for second level contested unemployment appeals and replaces it with a new structure that utilizes licensed attorneys from the Legal Division designated by the Commissioner. Furthermore, it eliminates the requirement that written notification of decisions be sent by certified mail.

HB 3049 (Favors) – This bill, as amended in Budget Sub., increases the amount a health care provider may charge for copying and mailing a patient's records from \$20 for 40 pages or less in length and \$0.25 per page beyond 40 pages to \$20 for 5 pages or less in length and \$0.50 per page beyond 5 pages. It establishes a fee not to exceed \$20 for each record requiring a notarized affidavit certifying that the records are true and correct copies, made at or near the time of occurrence of the matters set forth by or information transmitted by a person with a duty to record or transmit those matters, the records were made and kept in the course of regularly conducted activity. Furthermore, the legislation prohibits a health care provider from charging the Department of Health for copying or notarizing a medical record when requested

pursuant to an investigation, inspection, or survey. The fees established as of January 1, 2010, will still apply to any request for records by the Department of Human Services.

HB 3326 (Harwell) – This bill authorizes the State Treasurer to set the minimum dollar value for unclaimed property paid or delivered to the Unclaimed Property Division that requires mailing of a notice to each person having an address reported who appears to be entitled to the property.

HB 3327 (Harwell) – This bill requires local governments participating in the Local Government Investment Pool to electronically transfer to the pool any funds for investment and to electronically file any report or other document associated with electronic payment. The state treasurer is authorized to consider extenuating circumstances submitted in writing and to waive electronic submission requirements for any local government.

HB 3222 (Hawk) – This bill, as rewritten in House Judiciary, changes the deadline by which a court must set a hearing for a defendant involuntarily committed for a capital offense to a

developmental facility from 10 days to 10 business days, excluding holidays. It also changes from 21 days to 21 business days, excluding holidays, of receipt of the facility's notice the deadline by which the court must hold a hearing on whether the individual continues to meet the commitment criteria under which the person is committed. Finally, it changes from 15 days to 15 business days, excluding holidays, of the court's receipt of the facility's notice the deadline for the facility to release the individual from involuntary commitment if the court has not set a hearing.

HB 2504 (Moore) – This bill, as rewritten in the House Health & Human Resources Committee requires the Department of Health to implement a pilot program authorizing county clerks to issue certified copies of birth certificates. The pilot program will exist for four years (through the 2013-14 fiscal year) and will be limited to one county clerk site in Davidson, Hamilton, Knox, Shelby, Unicoi, McMinn, Tipton, Hamblen, and Anderson counties. It also requires the department to provide state security paper for issuing such certificates, with the county clerk being responsible for all other expenses. The county clerk is authorized to charge an additional fee for issuing such certificates.

HB 3341 (Pruitt) – This bill defines a method of determining the interest rate on Build America Bonds issued by the Nashville Convention Center Authority to maintain rates below the formula rate. As amended in the House State & Local Government Committee, the period of time is limited to June 30, 2012, that a convention center authority may, through the use of these federal bonds, issue bonds that ordinarily would have exceeded the maximum interest rate allowed by law.

HB 2705 (Rich) – This highway/bridge sign bill designates the bridge spanning Bennett's Creek on U.S. Highway 64 at the eastern corporate

limits of the City of Somerville in Fayette County as the “Chief Kenny Feathers Bridge” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in Budget Sub., designating signs shall be erected only if the cost of the signs is paid to TDOT by Fayette County within one year of the effective date of the bill.

HB 2706 (Rich) – This highway sign bill designates the segment of State Route 76 in the city of Somerville as the

“Captain Arthur Williamson Parkway” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in Budget Sub., designating signs shall be erected only if the cost of the signs is paid to TDOT by Fayette County within one year of the effective date of the bill.

HB 3652 (Stewart) – This bill authorizes the Davidson County legislative body (Metro-Nashville City Council) to increase the current \$1

litigation tax on filings in general sessions and juvenile court by \$1 each year until the tax reaches \$5. These revenues are directed for the support of the victim-offender mediation center.

HB 2766 (Tindell) – This legislation eliminates the June 30, 2011 termination date for negotiated fuel price stabilization contracts of municipal governments, and limits the term of any such contract to 24 months.



Chairlady Lynn

The Government Operations Committee met on March 10, 2010 to consider 27 bills.

The following bills were rolled 1 week at the request of the sponsors:

HB 2436
HB 3334
HB 3363

HB 3549
HB 3099
HB 2456

The following bill was rolled 2 weeks at the request of the sponsor:

HB 3353

The following bills were taken off notice at the request of their sponsors:

HB 3362, HB 3567

The following bill was recommended for passage and referred to Conservation and Environment:

HB 2519 by Faulkner – This bill authorizes any park ranger, ranger naturalist, park manager, or similar employee who has used a horse to carry out his or her duties to take possession of the horse when the Division of Parks and Recreation makes a determination to retire that horse. The employee must pay to the Division of Parks and Recreation the value assigned to the horse.

The following bills were recommended for passage and referred to Commerce:

HB 2875 by Curtiss – As amended, this bill amends the Automobile Clubs law at Title 55, Chapter 18, which was passed in 1957 and now much of it is out of date. The Amended bill defines and requires the Commissioner of Commerce and Insurance to promulgate rules and hold hearings under the Uniform Administrative Procedures Act. This bill will also allow the Commissioner to determine what other services Automobile Clubs may provide.

HB 3782 by Gilmore – This bill Requires all property and casualty insurance companies domiciled in this state to submit an annual statement of actuarial opinion to the Department of Commerce and Insurance. Requires all property and casualty insurance companies domiciled outside the state but licensed in the state to file an actuarial opinion summary to the Commissioner upon request. Authorizes the Commissioner to have access to workpapers and documents used in the preparation of the annual statement. Requires all workpapers to be kept confidential.



Representative Gilmore

Upon refusal by the insurance company to file workpapers, or the determination by the Commissioner that the workpapers and documents are unacceptable, authorizes the Commissioner to obtain the services of a qualified actuary to review the statements at the company's expense. Authorizes the Commissioner to share information with other state, federal, and international regulatory agencies and the National Association of Insurance Commissioners (NAIC). This bill will be effective on all statements filed on March 1, 2010, and thereafter.

The following bill was recommended for passage and referred to Judiciary:

HB 3164 by Curtiss – This bill deletes and rewrites the unauthorized substances tax laws.

The following bills were recommended for passage and referred to Health & Human Resources:

HB 3177 by Dean – As amended, this bill extends current law, regarding restrictions on healthcare provider

contracts. This bill will allow for healthcare provider contracts to be renewed, by terms not to exceed 6 years.

HB 3419 by Litz - Requires local education agencies (LEAs) to incorporate 60 minutes of physical activity each instructional day for elementary and secondary students. Requirements will be implemented no later than the 2011-2012 school year. Currently, elementary and secondary students must have a minimum of 90 minutes of physical activity each week.

HB 3526 by Maddox - Creates the Department of Intellectual and Developmental Disabilities (DIDD), transfers all current functions of the Division of Intellectual Disabilities Services to the Department and grants the Department authority over developmental and intellectual disabilities services. Changes the name of the Department of Mental Health and Developmental Disabilities (DMHDD) to the Department of Mental Health (DMH). Various provisions throughout Tennessee Code Annotated are changed to correspond with the responsibilities and name changes of DIDD and DMH.



Representative Maddox

Decreases the required size of the Statewide Planning and Policy Council by one member and grants the Commissioner of DIDD authority to appoint a portion of the members. Includes the Commissioner of DIDD or designee to the membership of several task forces, councils, and boards. Transfers licensing authority for mental retardation facilities and programs from DMHDD to DIDD.

The following bill was recommended for passage and referred to State and Local:

HB 3218 by Hawk – This bill prohibits any covered generator from disposing of a mercury added consumer product as solid waste. Requires covered generators to ship mercury waste to a permitted universal waste destination facility or a permitted hazardous waste management facility. Requires mercury waste to be managed as universal waste or hazardous waste prior to arrival at the permitted facility. Requires the Department of Environment and Conservation to enforce compliance and to develop and publish educational materials on the effects of improper mercury disposal.

The following bill was recommended for passage and referred to Education:

HB 3130 by Harwell – This Bill Requires the State Board of Education (SBOE) to develop and adopt a teacher code of ethics to be used in defining conduct unbecoming a teacher

The following bill was moved to Education with a negative recommendation:

HB 3014 by Sargent – This bill Requires any licensing authority in the state to suspend, deny, or revoke the license of a person who has defaulted on repayment of a federal family education loan, a student loan guaranteed or administered by the Tennessee Student Assistance

Corporation (TSAC), or any other state or federal education or service-conditional loan or scholarship program upon notification of default from TSAC or another guarantee agent. Requires TSAC to provide the debtor notice of suspension, denial, or revocation at least 90 days prior to action unless the debtor pays the entire debt, enters into a payment plan with the guarantor, or requests a hearing in writing within 20 days of notice. Requires the Secretary of State to take disciplinary action against any registered athlete agent or

applicant for registration that has defaulted on repayment or service obligation. Requires the Tennessee Ethics Commission to take disciplinary action against any registered lobbyist or applicant for registration that has defaulted on repayment or service obligation. Requires the State Board of Education to suspend, deny, or revoke the license of a teacher who is delinquent or in default on a repayment of loan or service obligation.

Due to a shortage of time, the following bills were rolled to next week's calendar:

HB 3465
HB 3806
HB 3935
HB 0995
HB 2446
HB 2459
HB 2600
HB 2855

HEALTH & HUMAN RESOURCES

Judy Narramore

THE FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday morning, March 9, 2010, with seven bills on calendar. Prior to taking up the calendar, Chairman Armstrong recognized Dr. Kevin Jones with EDP Biotech for an announcement concerning the **free blood screening test to detect early stage colon cancer** that will be offered to members and staff on Wednesday next, March 17, 2010, from 9 AM to 1 PM. The screening desk will be located near the escalators leading to the Capitol. The test does require that blood be drawn; however, pre-testing preparations, such as fasting or special dietary considerations, are not required.

HB 1871 (Ramsey) as amended that establishes that metropolitan health departments with dental staffs and clinical facilities are not relieved from occasionally providing emergency services to adult patients who present for relief of pain and infection because the language, "to the extent possible within budget limitations" is in TCA 68-1-304(b), requires the metropolitan health departments to see adult emergency patients during cancelled or open appointments, authorizes the



Representative Ramsey

metropolitan health departments to charge a fee for such services, and authorizes the Commissioner of Health to monitor compliance and request corrective actions was referred to FW&M. **HB 3719 (Bass)** as amended that requires TennCare to cover private duty nursing services for certain quadriplegic individuals was referred to FW&M. **HB 2520 (Faulkner)** that authorizes the

Department of Health to reimburse licensed residential homes for the aged in Campbell and Union Counties as part of the existing reimbursement program was referred to FW&M. **HB 2656 (Maggart)** as amended that increases the membership of the Health Services & Development Agency from 10 to 11 members, to include a representative of the ambulatory surgical treatment center industry, was referred to FW&M. **HB 2895 (Naifeh)** as amended that authorizes the Board of Medical Examiners to issue a special St. Jude Children's Research Hospital Global Collaboration license to St. Jude employee physicians who have met all Tennessee licensure requirements, except the residency program requirement, was referred to C&R. Rep. **Casada** presented **HB 3286** that, as amended by Amendments 1 and 2, establishes a "certificate of birth resulting in stillbirth" defined as a certificate issued to record the birth of a stillborn child, redefines "stillbirth" to mean an unintended fetal death after 20 weeks gestation or weight of 350 grams or more, decreases the existing reporting standards for a fetal death from a fetal weight of 500 grams or 22 weeks gestation to a fetal weight of 350 grams or 20 weeks gestation, requires the Department of Health to issue a

certificate of birth resulting in stillbirth within 60 days following a parent request, requires the Department of Health to inform applicable persons and entities licensed by the Department of the requirements of this legislation at time of licensure, and establishes requirements for the request form and information that must be on the certificate of birth resulting in stillbirth. Amendment 3 was offered by Rep. S. Jones, and accepted by Rep. Casada, however, drafting errors in the proposed language required that the bill be rolled one week without taking action on Amendment 3. **HB 3495 (Evans)** that states that when a defendant commits a homicide or assault against a pregnant woman, the fetus, *regardless of viability*, is also considered a victim of the offense was referred to FW&M.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, March 9th with 10 bills on calendar, referring three to full committee. **HB 0568 (Shepard)** as amended that requires all written, printed or computer-generated prescriptions for Schedule II controlled substances, i.e.,



Representative Shepard

narcotics, by podiatrists, dentists, physicians, optometrists, osteopathic physicians, nurse practitioners, or physician assistants be legibly printed or typed as a separate prescription order was referred to full committee. **HB 1570 (West)** was rolled one week at the request of the sponsor. **HB 1656 (Armstrong)** as amended that requires the Board of Optometry to list on its website the organizations whose continuing education courses are deemed approved to meet the requirements of the Board was referred to full committee. **HB 2337 (Winningham)** was rolled to last calendar at the request of the sponsor. **HB 2587 (Rowland)** was taken off notice at the request of the sponsor. **HB 2679 (Hill)** was rolled one week by Chairman Harrison. **HB 2808 (McDonald)** was rolled one week at the request of the sponsor. **HB 3144 (J. Cobb)** was rolled to last calendar at the request of the sponsor. After discussion and testimony, Rep. **Maggart** rolled **HB 3368** one week. **HB 3709 (Towns)** that increases the membership of the Board of Barber Examiners from five to seven, to include two members who are instructors, owners, employees, or managers of a barber school or college, was referred to full committee.

Reminder: *last calendar* for the Professional Occupations Subcommittee will be Tuesday next, March 16, 2010.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met immediately following full committee on Tuesday morning, March 9th with five bills on the calendar and addendum; three were referred to full committee. **HB 3704 (Towns)** was rolled one week at the request of Rep. Richardson; amendment expected. **HB 3374 (Ramsey)** was rolled one week at the request of the sponsor. **HB 3439 (Harrison)** that requires the

Board for Licensing Health Care Facilities to require out-of-state home medical equipment providers to maintain an office or place of business within the state was referred to full committee. **HB 3301 (Lynn)** as amended that enacts the “Freedom from Coercion Act” relative to preventing forced abortions was referred to full committee. **HB 3552 (Maddox)** that requires an organ donor’s body be released to an undertaker or crematory within eight hours of consent being given and the parts becoming available for donation was referred to full committee.

Reminder: *last calendar* for the Public Health Subcommittee will be Wednesday next, March 17, 2010.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** met Wednesday afternoon, March 10, 2010, with seven bills on calendar, referring three to full committee. **HB 2651 (K. Brooks)** as amended that enacts the “Colby Stansberry Act” to require health care providers to have a policy in place that places restrictions on the use of medical



Representative Pitts

records, images, videos, or pictures intended to be used for appropriate medical educational purposes was referred to full committee. **HB 2949 (Pitts)** as amended that defines “clinic” as a not-for-profit, outpatient, non-hospital facility providing primary care, dental or eye care, child delivery or birthing, or any other outpatient health care service, includes a clinic in the definitions of a “project” that the corporation of a municipality has

authority over, and authorizes such corporation to lease or sell a project to a clinic or to enter into loan agreements with a clinic with respect to a project was referred to full committee. Rep. **Brooks** rolled **HB 2987** one week for distribution and consideration of an amendment that will rewrite the bill. **HB 3316 (Matheny)** was rolled one week at the request of the sponsor. **HB 3826 (Cooper, M. Turner)** that revises existing law provisions relative

to audits of child care agencies receiving subsidy funds was referred to full committee. **HB 3947 (Kernell)** concerning day care contracts was rolled one week by Rep. M. Turner for clarification of DHS policy. **HB 1559 (West)** was rolled one week at the request of the sponsor.

Chairlady Pruitt announced the *final meeting* of the Health Care Facilities Subcommittee will be March 24, 2010.



THE FULL COMMITTEE

The **Judiciary Committee** passed out thirteen bills on Tuesday during its full committee meeting.

HB 2438 (Maggart) adds aggravated rape of a child to the list of offenses for which a juvenile may be transferred from juvenile court to adult court. *[passed to Calendar & Rules]*

HB 2788 (Maggart) rewrites various provisions of the Sexual Offender &

Violent Sexual Offender Registration, Verification, & Tracking Act of 2004. The committee heard from Jason Locke with the TBI who testified that the legislation would bring Tennessee more inline with the Adam Walsh Child Protection & Safety Act of 2006. An amendment was adopted that requires the fees to be paid at the time of the offender’s initial registration or initial reporting date for the calendar year. A second amendment requires the offender to report on dates established by the law enforcement agency to update the offender’s information. *[passed to Finance, Ways & Means]*

HB 2801 (Dean) authorizes a bail bondsman to return a defendant to the jurisdiction for which the bail bond is obligated for the defendant’s appearance, provided that the bail bondsman is liable for the expenses of returning the defendant. *[passed to Calendar & Rules]*

HB 3221 (Hawk) elevates from a Class C misdemeanor to a Class D felony the offense for any person to possess with the intent to sell any prescription drug if the drug was acquired outside of Tennessee. *[passed to Finance, Ways & Means]*

HB 3263 (Johnson P) as amended, requires a sexual offender to obtain

written permission or a request from the school’s principal or facility administrator before coming on the school grounds to attend a conference, etc. at the school as a parent, or to provide transportation to the offender’s child at the school.

[passed to Finance, Ways & Means]

HB 2765 (Tindell) as amended, creates the “Tennessee Second Look Commission.” This entity will review an appropriate sampling of cases involving a second or subsequent incident of severe child abuse in an effort to determine whether severe child abuse cases are handled in a manner that provides adequate protection to the children of this state. Amendments on the bill clarify language, affect membership on the commission, change the administrative attachment from the AOC to the Commission on Children & Youth, and call for other revisions. *[passed to Finance, Ways & Means]*

HB 3135 (Dunn) as amended requires TennCare to maintain a webpage that identifies the individual managed care organizations that are authorized to pursue the state’s subrogation interest. The plaintiff’s attorney is responsible for notifying the individual managed care organization before a judgment is entered or a settlement reached in a personal injury case. The entity must



Representative Maggart

respond within 60 days and not more than 120 days if more time is requested. If the entity fails to provide a specific number within the time allotted, then the subrogation is extinguished.

[passed to Finance, Ways & Means]



Representative Shipley

HB 2768 (Shipley) as amended, requires certain DUI offenders to operate only a motor vehicle that is equipped with an ignition interlock device. Drivers convicted of DUI with a BAC of 0.15% or higher, or with a minor in the vehicle, or convicted of refusing the blood/alcohol test at the same time convicted of the DUI, will be ordered by the court to drive only vehicles equipped with an ignition interlock device. The bill also creates the Interlock Assistance Fund to assist indigent drivers with costs of the interlock device. Offenders will pay a \$30 fee per month in addition to the cost of the device. The bill specifies how this fee will be allocated to different areas.

[passed to Finance, Ways & Means]

HB 3793 (Turner M) as amended, requires certain documents submitted to the state in response to a request for

proposal (RFP) or other procurement method to remain confidential. These documents include discount, rebate, pricing, or other financial arrangements at the individual drug level between pharmaceutical manufacturers, pharmaceutical wholesalers or distributors, and pharmacy benefit managers that are submitted in response to an RFP, included in an RFP cost or price proposal, or are explicitly marked as confidential and proprietary.

[passed to Calendar & Rules]

HB 2917 (Fincher) as amended requires all DUI offenders to operate only a motor vehicle that is equipped with an ignition interlock device for a specific period of time. An offender involved in an accident in which one or more persons were killed must have an IID for seven years. The monthly fee will be \$47 and \$45 will be allocated to the Ignition Interlock Fund and \$2 to the Department of Safety. The legislation would also create a Class A misdemeanor offense for tampering with an interlock device or having another person attempt to start a motor vehicle equipped with an interlock device. The offender would be incarcerated for 48 hours for the first offense, 72 hours for the second offense, and seven days for a third offense.

[passed to Finance, Ways & Means]

HB 3784 (Coleman) authorizes the Internal Affairs Division of the Department of Correction (DOC) to seize and remove property in accordance with law where the disposition of a conveyance or proceed of goods benefits DOC. This will give Internal Affairs additional financial resources to buy equipment, carry out sting operations and other duties.

[passed to Finance, Ways & Means]

HB 3861 (Coleman) makes several revisions to the laws regarding trusts and trustees. Three amendments were adopted. The first amendment makes numerous technical changes to the bill, including grammatical corrections and clarifications on cross references. It

also alters timing rules regarding the Rule Against Perpetuities, and alters the creation and procedures for the total return unitrusts. The second amendment clarifies that a creditor's remedies under the uniform fraudulent transfer act shall not be limited. A third amendment makes technical changes regarding irrevocable special needs trusts and disclosures made by a fiduciary.

[passed to Calendar & Rules]

HB 3063 (Campfield) prohibits physicians who are registered sexual offenders from practicing medicine on any person under the age of 18 except in emergency care situations.

[passed to Finance, Ways & Means]

HB 2789 (Maggart) creates a violent juvenile sexual offender registry. The committee heard extensive testimony from juvenile court judges, mental health professionals, child advocacy individuals, district attorneys, as well as parents and families that have been affected by violent juvenile sex offenders. Opponents of the bill testified that this bill negates the purpose of treating juveniles separate from adult offenders and the registry could have negative effects on the treatment and rehabilitation of juvenile offenders. The proponents of the measure argued that any negative effects on the offender are greatly outweighed by the public's right to know where these individuals are living and the furtherance of public safety. The bill was rolled for a week to give the committee additional time for consideration.

[rolled for one week]

The following bills were rolled for one week:

HB 2059 (Lynn)

HB 3196 (Faulkner)

HB 2941 (Hackworth)

HR 83 (Hardaway)

HB 1130 (Hardaway)

HB 3040 (Dennis)

HB 3282 (Coleman)

HB 3281 (Coleman)

HB 3283 (Coleman)
HB 2691 (Coleman)
HB 2689 (Coleman)

The following bill was rolled for two weeks:

HB 3539 (Maddox)

The following bill was rolled to the last calendar:

HB 1701 (Watson)

CRIMINAL PRACTICE AND PROCEDURE

The **Criminal Practice and Procedure Subcommittee** met on Wednesday, and passed out nineteen bills to the full committee.



Criminal Chairman Watson

HB 1801 (West) authorizes the interchangeable use of “handgun carry permit” and “weapon carry permit” throughout the sections of law related to handgun carry permits.
[moved to full committee]

HB 1808 (West) increases from 60 to 90 days the maximum amount of time that a handgun carry permit holder has to notify the Department of Safety (DOS) of any change of address.
[moved to full committee]

HB 1809 (West) states any rules promulgated by the Department of Safety regarding weapons are subject to review by the Senate and House Government Operations Committees or other appropriate standing committee.
[moved to full committee]

HB 2718 (Campfield) as amended, keeps the University of Tennessee from banning students from legally possessing firearms on private property.
[moved to full committee]

HB 2762 (Turner M) creates a Class C misdemeanor offense for a person to sell synthetic urine for the purpose of falsifying a drug test. Creates an exception for an individual who sells synthetic urine for bona fide educational, medical, or scientific purposes. Documentation as to the purpose of the sale must be maintained for at least five years.
[moved to full committee]

HB 3181(Turner M) as amended, requires sex offenders, on Halloween to place a sign in their yard stating “no candy” and pay for the sign themselves.
[moved to full committee]

HB 3370 (Maggart) as amended, creates the presumption in a child pornography case that the child is under the age of thirteen if the child’s age is unknown. The burden of proof would be on the alleged sex offender to prove the child is over the age of thirteen.
[moved to full committee]

HB 3278 (Maggart) broadens the definition of “serious bodily injury” to include strangulation to the point of unconsciousness.
[moved to full committee]

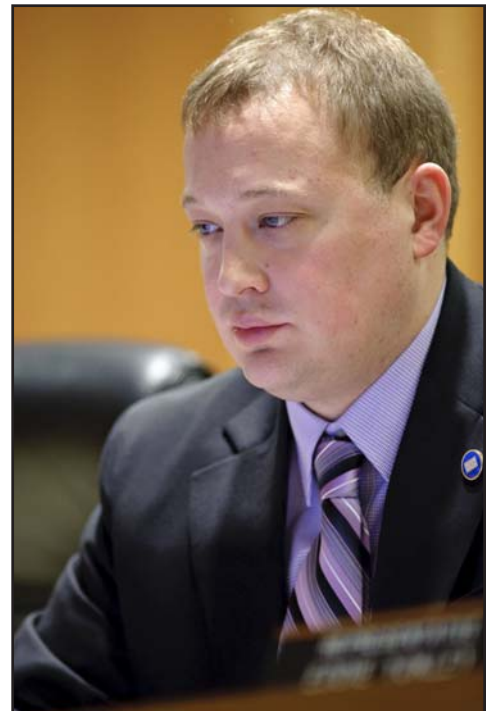
HB 3138 (Hackworth) mandates, rather than allows, the release of a surety’s liability if a detainer request is refused or if the detaining authority releases the principal upon the detainer’s filing.
[moved to full committee]

HB 2693 (Shepard) includes the intentional murder of a pregnant woman in the list of aggravating circumstances that support a sentence of death or life without parole.
[moved to full committee]

HB 3129 (Cobb, T) adds the hallucinogenic drug 4-bromo-2, 5 dimethoxyphenethylamine (2C-B, as it is commonly called) to the list of Schedule I controlled substances.
[moved to full committee]

HB 3376 (Cobb, T) creates a new Class A misdemeanor offense for a person knowingly to harbor a runaway, with the knowledge that a child is a runaway, and the person fails to notify the parents or law enforcement of the child’s location, conceals the child’s location, or aides the child in escape.
[moved to full committee]

HB 3377 (Cobb, T) creates Class D felony offense of statutory kidnapping, which is removing a person between 13-18 years of age from this state, where the defendant is at least four years older than the person, knows the person being removed is a minor, and knows that he or she does not have the consent of the victim’s parents or legal



Representative Cobb

guardians to remove the victim from the state.

[moved to full committee]

HB 2821 (Cobb, T) establishes the “Tennessee Criminal Gang Registration Act of 2010.” Directs the Tennessee Bureau of Investigation (TBI) to create, maintain and make available for public inquiry on the Internet a Criminal Gang Offender Registry to include any person receiving an enhanced punishment for a criminal gang offense. Criminal gang member fees assessed to offenders receiving an enhanced punishment will be transmitted to the state general fund and appropriated to the TBI to administer the registry.

[moved to full committee]

HB 2631 (DeBerry, J) broadens the Class A felony of aggravated rape of a child to include victims 10 years of age or less and increases the penalty from a Range III sentence (40 to 60 years) to life without parole. Broadens the Class A felony of rape of a child to include victims at least 10 years of age but less than 13 years old. Requires the death penalty for the killing of a child that is committed in the perpetration or attempt to perpetrate rape of a child or aggravated rape of a child.

[moved to full committee]

HB 2632 (DeBerry, J) broadens the Class A felony of aggravated rape of a child to include victims 10 years of age or less and increases the penalty from a Range III sentence (40 to 60 years) to life without parole. Broadens the Class A felony of rape of a child to include victims at least 10 years of age but less than 13 years old.

[moved to full committee]

HB 2567 (Fincher), with an amendment, allows those without handgun carry permits to transport a rifle or shotgun in a privately-owned motor vehicle provided there is no ammunition in the chamber or cylinder, and no loaded clip or magazine in the weapon or in close proximity to the weapon.

[moved to full committee]

HB 2813 (Odom), with an amendment, diverts certain non-violent property offenders from a sentence of incarceration in a local jail or workhouse or in the department of correction, to a sentence of community correction, probation or a diversion program, unless, after a hearing, the court finds that the defendant has multiple convictions for any of such offenses and is not a suitable candidate for community corrections, probation, pre-trial diversion or judicial diversion. It identifies “non-violent property offense” for the purpose of this legislation, and increases the percentage of the sentence that a person convicted of aggravated robbery with a deadly weapon must serve.

[moved to full committee]



Representative Odom

HB 3125 (Todd), with an amendment, clarifies and makes uniform the language constituting valid postings in establishments where firearms are prohibited; it increases the penalty for a permit holder consuming alcohol within such establishments; and, it increases the penalty for unlawfully carrying a

firearm in places where alcohol is served for consumption on-premises.

[moved to full committee]

The following bills were discussed:

HB 2951 (Brooks H) as introduced, states that a person violates the existing Class B misdemeanor when a person knows or should know that there is an attempt to service a legal writ or other process by a public employee or private person who is authorized to service and the person refuses to accept the writ or process. An amendment was placed on the bill.

[rolled one week]

HB 2422 (Hardaway) defines “gun show” as an event where 50 or more firearms are exhibited for sale or transfer and where no fewer than 20 percent of the vendors are gun show dealers. The bill creates various gun show offenses, including prohibiting any person who is not a licensed firearms dealer from transferring a firearm to another person if any part of the transfer takes place at a gun show or within 1,000 feet of a gun show.

[rolled one week]

Due to the gun bills taken first, the length of the calendar, and the testimonies given by law enforcement officials attending the meeting, the committee had little time remaining to complete its calendar. *Therefore, the following bills were rolled until the next meeting:*

HB 2659 (Faulkner)
HB 2891 (Turner M)
HB 3333 (Brooks H)
HB 1639 (Jones U)
HB 1304 (Jones S)
HB 2640 (Cooper B)
HB 3857 (Tidwell)
HB 2909 (Tidwell)
HB 2626 (Lollar)
HB 2872 (Hill)
HB 3122 (Fincher)
HB 3213 (Stewart)
HB 1129 (Hardaway)
HB 1374 (Hardaway)
HB 2422 (Hardaway)
HB 0029 (Hardaway)

HB 3741 (Matheny)
HB 2881 (Rich)
HB 3516 (DeBerry J)

The following bills were taken off notice:

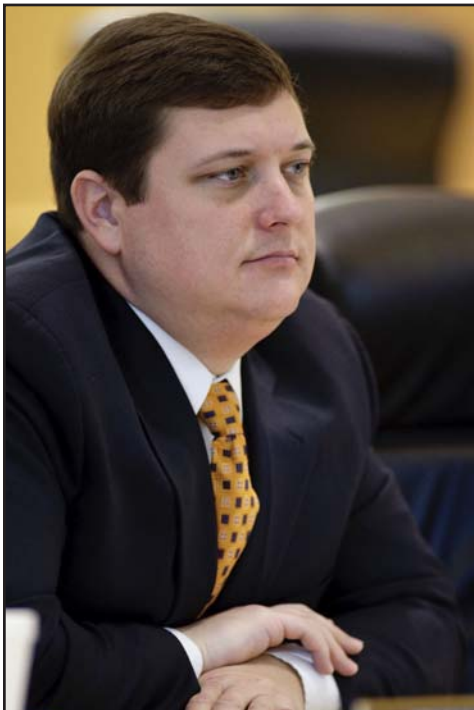
HB 1805 (West)
HB 1806 (West)
HB 1807 (West)
HB 2993 (DeBerry J)
HB 3712 (Odom)

CIVIL PRACTICE AND PROCEDURE

The **Civil Practice and Procedure Subcommittee** met on Wednesday, and passed out three bills to the full committee.

HB 2805 (McDonald) creates limits of civil and criminal liability for individuals or food service establishments that donate food in good faith to charitable organizations or correction facilities. An amendment was adopted removing correctional facilities from the bill.
[moved to full committee]

HB 3300 (McCormick) as amended protects Tennesseans right to freedom



Civil Chairman Dennis

of speech and the press without of reprisal from foreign courts.
[moved to full committee]

HB 3643 (Sargent) as amended requires the Secretary of State to attain a tax clearance from the Department of Revenue for all businesses no matter the entity or type of termination.
[moved to full committee]

The following bill was discussed:

HB 3338 (Carr), as introduced requires state or local condemning authorities to pay property owners all court costs, appraisal fees, deposition costs, attorney fees and costs incurred by the owner related to the proceeding, if the owner of a condemned property is not satisfied with the amount deposited by the condemning authority and the amount ultimately received by the property owner exceeds the amount deposited. An amendment was placed on the bill.
[rolled for one week.]

The following bills were rolled one week:

HB 1384 (Maggart)
HB 0682 (Cooper B)
HB 3314 (Cobb T)
HB 3382 (Sontany)
HB 3391 (Moore)
HB 3123 (Dunn)
HB 3428 (Hackworth)
HB 2649 (Tidwell)
HB 3880 (Kernell)
HB 3881 (Kernell)
HB 3882 (Kernell)
HB 3022 (Jones S)
HB 0126 (Hardaway)
HB 0130 (Hardaway)
HB 2437 (Hardaway)
HB 3659 (Stewart)
HB 3955 (Stewart)
HB 3103 (Lundberg)

The following bill was rolled two weeks:

HB 2751 (Coley)

HB 3630 (Fincher) was taken off notice.

STATE & LOCAL GOVERNMENT

Daniel Culbreath



THE FULL COMMITTEE

The **State & Local Government Committee** passed out twenty-nine bills on Tuesday during its full committee meeting.

HB 2748 (Dunn) clarifies the laws governing public building authorities (PBAs). PBAs would be subject to open records and open meetings laws. Construction managers providing professional services for PBAs, LEAs, or state or local governmental entities are required to procure subcontracts through public advertisement and a public bid process and award contracts and subcontracts to the lowest responsible and qualified bidder. This bill was rolled to a summer or fall study committee to allow more discussion.
[rolled to a summer/fall study committee]

SJR 711 (Marsh) would name Margaret “Maggi” Britton Vaughn as the Poet Laureate of Tennessee
[passed to Calendar & Rules]

HB 0187 (Marsh) as amended would allow local boards to construct a building for its own use. They may borrow funds, or may mortgage its real property or other assets to secure a loan.
[passed to Calendar & Rules]

HB 3007 (Marsh) requires each state department and agency to be economically efficient by using innovative approaches suggested by its employees and the general public. Each department would report its progress annually during its budget hearings in the House and the Senate.
[passed to Calendar & Rules]

HB 3034 (Casada) as amended would add Sligo Marina in Dekalb County, and other facilities in Henry and Cumberland County to those facilities that are authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.
[passed to Calendar & Rules]

HB 3344 (Casada) authorizes the sale of alcoholic beverages on a charter boat that departs from certain premier type tourist resorts in Jefferson County. The bill also revises the geographic requirement for a facility in Jefferson County to qualify as a premier type tourist resort.
[passed to Calendar & Rules]

HB 3890 (Harrison) as amended would remove the exemption for Campbell, Hawkins, Washington, and Weakley counties from the minimum training requirement for firefighters.
[passed to Calendar & Rules]

HJR 763 (Cooper B) would designate June 6, 2010, as “National Church School Day” and June 7 – July 31 as “Back to Church School Crusade Months”
[passed to Calendar & Rules]

HB 3810 (Fraley) clarifies that the governor may enter into civil defense and disaster compacts with “states”, as opposed to just “contiguous states”. It also renames the emergency management assistance compact that the governor may enter into under present law from the “Southern Regional Emergency Management Assistance Compact” to the “Emergency Management Assistance Compact”.
[passed to Calendar & Rules]

HB 895 (Winningham) establishes minimum compensation and benefits for county and municipal veterans’ service officers. A verbal amendment was added in the committee to send this bill to TACIR.
[referred to TACIR]

HB 2757 (Bass) amends the charter of Cornersville to specify the timetable and manner of elections of the mayor

and five aldermen. It also changes the requirement that qualified voters must live in the town for 30 days before they are able to vote in an election and changes the number of times an ordinance or bill must be read from three to two. The portion of the charter that allows the fire chief to be the chief of police or the chief of police to be the fire chief will also be removed.

[passed to Calendar & Rules]

HB 3204 (Eldridge) would allow energy acquisition corporations to obtain loans or issue bonds, and will allow all creditors or bondholders of such corporations to make loans or purchase bonds. This legislation will not apply to cable companies. An amendment was added to clarify that in calculating the “applicable formula rate” to determine the maximum effective rate applicable to bonds or other obligations issued by these energy acquisition corporations, the language of the current law (which is “four percentage points above the average prime loan rate”) will be changed to “seven percentage points above the average prime loan rate”

[passed to Calendar & Rules]



Representative Eldridge

HB 3533 (Maddox) as amended would impose a statewide prepaid wireless emergency telephone service charge of fifty-three cents per each retail transaction. The Department of Revenue is required to provide at least 30 days of advance notice on their website of any increase or decrease in the service charge.

[passed to Finance, Ways & Means]

HB 2521 (Faulkner) would enact a hotel/motel tax in Union County.

[passed to Calendar & Rules]

HB 2712 (Turner M) as amended would change the various provisions that govern the appointment of a planning director by a municipal planning commission or a regional planning commission. It clarifies that the chief executive officer of a municipality, county, or planning commission is allowed to appoint the planning director.

[passed to Calendar & Rules]

HB 3182 (Turner M) prohibits foreign corporations that do not have a physical presence in Tennessee from using funds to aid either the election or defeat of any candidate for office in Tennessee. Corporations that are incorporated under Tennessee law and operating in Tennessee would still be able to donate funds to candidates. An amendment was added to further extend this prohibition to any individual that lives outside the state. That amendment was then amended to restrict any individual that lives outside the candidate’s district from donating funds. The bill was rolled to the last calendar to allow further discussion.

[rolled to the last calendar]

HB 3836 (Turner) removes the termination date of June 30, 2010, for revisions to the civil service provisions enacted by Chapter 1 of the Public Acts of 2009 to deal with a proposed reduction in workforce.

[passed to Calendar & Rules]

HB 3605 (Fitzhugh) authorizes the Comptroller’s office to require certain

job applicants to agree to the release of investigative records, provide a fingerprint sample, and submit to a criminal history records check. The Comptroller’s office would set the procedures that will detail which applicants are required to follow these new guidelines.

[passed to Finance, Ways & Means]

HB 3610 (Fitzhugh) would remove the requirement for the Comptroller to develop standards for counties to distribute funds to nonprofits.

[passed to Calendar & Rules]

HB 3611 (Fitzhugh) would require a local agency that receives allegations of fraud, waste, or abuse of public funds from a toll-free hotline to investigate and remedy any of those activities to the same extent that a state agency or community grant agency is required to do so under the present law.

[passed to Calendar & Rules]

HB 3957 (Maggart) establishes the procedure for the distribution of proceeds of the hotel/motel tax in Sumner County.

[passed to Calendar & Rules]

HB 3939 (Tindell) removes language referring to the “Office of Legislative Services”, and changes the “Office of Management Information” to the “Office of Legislative Information Services”.

[passed to Finance, Ways & Means]

HB 1357 (Carr) as amended allows municipalities to take up to four special censuses during the time between regular federal decennial censuses. The cost of the census is assumed by the municipality.

[passed to Calendar & Rules]

HB 3618 (Cobb J) would entitle private non-profit higher education institutions chartered in Tennessee to purchase and contract for the purchase of materials, supplies, equipment, and services through the Department of General Services in a similar manner to



Representative Cobb

state public colleges, universities, and technology centers.

[passed to Calendar & Rules]

HB 2509 (McCormick) as amended would allow the Hamilton County Register of Deeds to allocate funds from certain data processing fees for other purposes instead of on computer equipment, software, and maintenance.

[passed to Calendar & Rules]

HB 3389 (Moore) as amended requires that all state employees who serve as supervisors must reside in the state of Tennessee during the time in which they serve in that capacity.

[passed to Finance, Ways & Means]

HB 3639 (Todd) adds a law enforcement member to the advisory committee on open government who is a member of either the Tennessee Sheriff's Association or the Tennessee Association of Chiefs of Police.

[passed to Finance, Ways & Means]

HB 2673 (Todd) requires candidates or political campaign committees that files an appointment of treasurer form before January 16 (instead of January 1) in the year of the election to file a

financial disclosure statement by January 31.

[passed to Calendar & Rules]

HB 3469 (Todd) adds Historic Rugby in Morgan County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

[passed to Calendar & Rules]

HB 3453 (Todd) adds Pates Ford Marina in Dekalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

[passed to Calendar & Rules]

HB 3638 (Todd) directs that employees of the Tennessee Board of Regents shall not elect to receive longevity pay by separate check until July 1, 2013.

[passed to Calendar & Rules]

HB 3635 (Todd) removes Ober Gatlinburg and a resort in Crab Orchard from the definition of premier type tourist resorts, and it also removes one of the duplicated definitions of Nashville Shores. An amendment was added to allow Laurel Valley to be recognized as a premier type tourist resort.

[passed to Calendar & Rules]

The following bills were rolled for one week

HB 2842 (Sargent)

HB 3819 (Borchert)

HB 3153 (Tindell)

HB 3152 (Tindell)

HB 2965 (Faulkner)

HB 2822 (Cobb T) was rolled two weeks

HB 3070 (Jones U) was rolled two weeks

HB 2401 (Johnson C) was taken off notice

HB 2750 (Todd) was taken off notice

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday and moved one bill to the full committee.

HB 3764 (Odom) as amended would require the Secretary of State's office to provide the General Assembly with a report on the use of "Help America Vote" funds.

[passed to the full committee]

HB 3065 (Campfield) as amended would restrict the spending of public funds by local municipalities to oppose or support a referendum. The bill was rolled one week to allow more discussion.

[rolled one week]

HB 3060 (Niceley) as amended specifies that if an individual wins a primary election, that individual becomes the nominee of that party and that decision can't be overturned by a party's executive committee. The bill was rolled for one week to allow more discussion.

[rolled one week]

The following bills were rolled for one week

HB 1770 (Todd)

HB 3019 (Deberry J)

HB 3705 (Towns)

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved eight bills to the full committee.

HB 3633 (Todd) requires any state department, agency, or institution to procure bids for the appropriate insurance for a commercial-grade vehicle before acquiring the vehicle.

[passed to the full committee]

HB 2833 (Todd) places restrictions on appointments to the assessment appeals board, and requires a member of the board to be recused in certain

circumstances. An amendment was added to specify that only one city assessor of property can participate in an appeal hearing.

[passed to the full committee]

HB 3061 (Niceley) requires that an LLC disclose the name of each of its partners before a contract with the state/county becomes effective.

[passed to the full committee]

HB 3911 (Rich) would allow a Tennessee Highway Patrol member that retires honorably after twenty years of service to receive a retired commission card, as well as to keep their badge and weapon.

[passed to the full committee]

HJR 744 (Lynn) expresses Tennessee's continued support for the State of Israel.

[passed to the full committee]

HB 3364 (Gilmore) requires the Solid Waste Disposal Control Board and the Department of Environment and Conservation to demonstrate compliance with Public Chapter 462 of 2007 before taking any action concerning solid waste regulation.

[passed to the full committee]

HB 3429 (McDonald) enacts the "Tennessee Beverage Container Recycling Act" to set procedures, processes, and fees for the recycling of beverage containers. The committee received a short presentation from Susan Collins, the executive director of the Container Recycling Institute. Ms. Collins described the process of recycling, including the machines that are used (referred to as reverse vending machines). Members of the committee had several questions for Ms. Collins, and the bill was rolled one week to allow more information to be gathered for further discussion.

[rolled for one week]

HB 3847 (Turner M) creates the Tennessee Residence Commission which will formulate and develop a plan

and program for the restoration and preservation of the contiguous grounds and building of the Tennessee Residence. An amendment was added to clarify that the commission will consist of nine voting members: the governor, the first spouse, the commissioner of general services, the state architect, and the chair of the Tennessee historical commission. Each of those members may choose a designee to attend in their place. The final four members of the commission are private citizens that are appointed by the governor.

[passed to the full committee]

HB 3252 (Armstrong) as amended would grant special consideration for businesses owned by service-disabled veterans in procuring state contracts, similar to the consideration given to businesses owned by women.

[passed to the full committee]

The following bills were rolled for one week

HB 3347 (Curtiss)

HB 2911 (Gilmore)

HB 2974 (Shaw)

HB 2722 (Campfield) was *taken off notice*



Representative McDonald

HB 3510 (Niceley) *failed to move out of committee*

LOCAL GOVERNMENT SUBCOMMITTEE

The Local Government

Subcommittee met on Wednesday and moved seventeen bills to the full committee.

HB 193 (Mumpower) as amended would allow the community of Bristol to create a Medical School Authority which will help provide economic incentives to public and private medical schools to offer classes in the community. All of the funds involved with the authority will be local funds, so there will be no cost to the state.

[passed to the full committee]

HB 3522 (Odom) as amended would allow manufacturers or distillers that hold a retail license to charge a fee for tours of the grounds of the manufacturing site or distillery.

[passed to the full committee]

HB 2894 (Maggart) as amended would authorize utility districts in the City of Goodlettsville to enforcement payment of outstanding garbage collection and disposal fees by filing a lien on the property.

[passed to the full committee]

HB 3695 (Niceley) as amended would not allow an entity to condemn Class I, II, or III agricultural property in a county that is designated as a "non-attainment county" by the U.S. Environmental Protection Agency for failing to comply with the national ambient air quality standards. Don Cason, the President of the Jefferson County Chamber of Commerce testified to the committee that the chamber does not support the current legislation, but they were planning on reevaluating their position after studying the amendment. The bill was rolled for one week to allow more discussion.

[rolled one week]



private act can also be approved by a referendum.

[passed to the full committee]

HB 3175 (Swofford) as amended would authorize cooperative purchasing agreements among cities or municipalities for the procurement of supplies, services, or construction. It would also allow municipalities to enter into master agreements, as long as the terms of the agreement are approved by adopting a resolution.

[passed to the full committee]

HB 3634 (Todd) adds two law enforcement members from the Tennessee Sheriffs Association and the Tennessee Association of the Chiefs of Police to the advisory committee on open government.

[passed to the full committee]

HB 3953 (Harmon) amends the charter of Altamont to extend the term of the mayor and alderman to two years, and would also change the month of election for those offices from May to November.

[passed to the full committee]

HB 3253 (Armstrong) makes changes to the procedures for counties making appropriations to nonprofit charitable organizations. This bill would allow the required notice that must be posted when an appropriation is made to a non-charitable nonprofit by a county to be posted online, instead of in a newspaper. It also specifies that any aid to a nonprofit organization that does not exceed \$750 is not required to submit an annual report to the county clerk.

[passed to the full committee]

HB 3878 (Litz) would define “lawful charges” by a purchaser of property that was sold for taxes to include reasonable payments for maintenance and insurance. This would be used to help determine the amount that needs to be paid to redeem the property.

[passed to the full committee]

HB 3555 (Bass) revises the terms of loans to local governments operating a waste water facility. This change would allow counties to help fund upgrades and repairs to water lines.

[passed to the full committee]

HB 2395 (Dennis) would change the date of city elections in Savannah to coincide with the general state election beginning in November 2012. It also extends the time by which the city may contract with the city manager to three years.

[passed to the full committee]

HB 3941 (Halford) abolishes the office of the juvenile court clerk in Gibson County. The duties of that office will be carried out by the county clerk. This change is due to budget cuts in the county.

[passed to the full committee]

HB 3938 (Tindell) as amended specifies what a “private act” is for the purposes of the Secretary of State. A private act is an act passed by the General Assembly that does not amend the general law, specifically applies to a named municipality or county, and is approved by a 2/3 vote of the legislative body of the municipality or county. The

HB 3965 (Litz) increases the hotel/motel tax from 5% to 7% in Morristown.

[passed to the full committee]

HB 3966 (Halford) changes the staggering of the terms for members of the board of education of the Milan Special School District. Four members will be elected in one year, and the remaining three members will be elected in another.

[passed to the full committee]

HB 3967 (Halford) would allow the General Assembly to increase the tax rate of the Trenton Special School District from \$2.16 to \$2.30.

[passed to the full committee]

HB 3969 (Evans) conforms the Springfield board of mayor and alderman action that must be exercised by ordinance to the requirements of the general law.

[passed to the full committee]

HB 3970 (Hackworth) as amended would establish a new charter for the City of Norris.

[passed to the full committee]

The following bills were rolled for one week

HB 2865 (Haynes)
HB 3356 (Hackworth)
HB 3565 (Rowland)
HB 3603 (Fitzhugh)
HB 3956 (Stewart)
HB 3448 (Pitts)

HB 3854 (Faulkner) was rolled two weeks

HB 3731 (Tidwell) was rolled two weeks

The following bills were taken off notice

HB 3128 (White)
HB 3390 (Moore)
HB 499 (Todd)
HB 2834 (Todd)



FULL COMMITTEE

The **House Transportation Committee** convened March 10, 2010 to hear eleven bills.



Chairman Harmon

HB2912 (Cooper), HB3394 (Hensley), HB2653 (Maggart) and **HB3581 (Ford)** were deferred for one week.

HB3331 (H. Brooks) was rolled to the last calendar.

HB2433 (Moore) was taken off notice

HJR813 (Hardaway) was passed by the committee and referred to the **Calendar and Rules Committee**. The bill requests the Department of Safety to study the use of certified mail notification relative to the suspension and revocation of driver licenses.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**:

HB3026 (Harmon) – Clarifies that human resource agencies and development districts to obtain governmental service plates for registration by use for vans used for such entities' activities.

HB3620 (Richardson) – Authorizes issuance of special license plates for the International Brotherhood of Electrical Workers. An amendment was adopted that directs the funds raised from the plate to St. Jude Children's Research Hospital.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**
HB2740 (Lundberg) – As amended, allows a current member of the General Assembly to have a member that used to represent that district a General Assembly license plate. Members convicted of a felony arising from the former member's official capacity as a member of the General Assembly would not be allowed to receive a plate.



Representative Richardson

The plate will have a retired decal and legend.

HB920 (Hawk) – As amended, all regularly issued license plates after the effective date of the bill shall include www.tnvacation.com on the plate. All special license plates would be exempted.

RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** did not meet this week. It will hold its last meeting next week.

PUBLIC SAFETY SUBCOMMITTEE

The **Public Safety & Rural Roads Subcommittee** met March 9, 2010 to consider ten bills.

HB2979 (McCord), HB3120 (Gilmore) and HB36 (Hardaway) were rolled one week.

HB3079 (Shipley) was rolled for two weeks.

HB3371 (Hayne) was rolled to the last calendar.

The following bills were passed by the committee and referred to the full

Transportation Committee:

HB263 (Watson) – As amended, requires all examinations administered to applicants for a driver license or intermediate driver license to be in English.

HB3361 (Campfield) – Authorizes issuance of Catholic Charities new specialty earmarked license plates. The bill allocates 50 percent of funds produced from sale thereof to Catholic Charities of East Tennessee.

HB3791 (Pitts) – Clarifies and adds to the types of information that must be included in traffic citations and abstracts of court records pertaining to traffic violations. The bill requires persons holding commercial driver licenses to have a medical card or provide evidence of exemption

beginning January 1, 2011. The bill makes other changes concerning motor vehicles to bring Tennessee into compliance with federal regulations.

HB2544 (K. Brooks) – Creates the offense of super speeding when driver speeds at 75 mph or more on any two-lane highway or 85 mph or more on any public highway. A violation is a Class B misdemeanor punishable by a \$200 fine only. An amendment was adopted to split the fine in the following way: \$20 to the General Fund, \$90 to trauma centers and \$90 to the Department of Safety for operating and maintaining TITAN (Tennessee Integrated Traffic Analysis Network).

HB3267 (Harmon) – Clarifies that municipalities may by ordinance adopt all provisions of law included in the rules of the road for local enforcement.